

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,) Docket No. 3:06-CR-719
Plaintiffs,) Toledo, Ohio
v.) April 15, 2008
MOHAMMED AMAWI, ET AL.,)
Defendants.)

TRANSCRIPT OF JURY TRIAL, VOLUME 28
BEFORE THE HONORABLE JAMES G. CARR
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Gregg N. Sofer
David I. Miller
Jerome J. Teresinski
U.S. Department of Justice
10th & Constitution Avenue, NW
Washington, DC 20530
(202) 353-3464

Thomas E. Getz
Justin E. Herdman
Office of the U.S. Attorney
801 Superior Avenue, W
Cleveland, Ohio 44113
(216) 622-3840

For the Defendant Amawi: Timothy Ivey
Edward Bryan
Amy Cleary
Jonathan Whitmer-Rich
Office of the Federal Public Defender
750 Skylight Office Tower
1660 West Second Street
Cleveland, Ohio 44113
(216) 522-4856

1 Elias Muawad
2 Muawad & Muawad
3 Suite 209
36700 Woodward Avenue
4 Bloomfield Hills, Michigan 48304
(248) 594-4700

5 For the Defendant
6 El-Hindi:

Charles M. Boss
Boss & Vitou
111 West Dudley Street
Maumee, Ohio 43537
(419) 893-5555

7 Stephen D. Hartman
8 Kerger & Kerger
Suite 201
9 33 South Michigan Street
Toledo, Ohio 43602
10 (419) 255-5990

11 Alek H. El-Kamhawy
12 Raslan, El-Kamhway & Pla
Suite 3FE
1700 East 13 Street
13 Cleveland, Ohio 44114
(216) 928-1500

14 For the Defendant
15 Mazloun:

David L. Doughten
4403 St. Clair Avenue
Cleveland, Ohio 44103-1125
16 (216) 361-1112

17 Jeffrey J. Helmick
18 Helmick & Hoolahan
2nd floor
1119 Adams Street
19 Toledo, Ohio 43624-1508
(419) 243-3800

20
21 Mohammed Abdrabboh
1620 Ford Avenue
22 Wyandotte, MICHIGAN 48192
(734) 283-7000

23
24 Court Reporter:

Angela D. Nixon, RPR, CRR
1716 Spielbusch Avenue
25 Toledo, Ohio 43624

(419) 260-5259

Proceedings recorded by mechanical stenography, transcript
produced by notereading.

1 THE COURT: Ready to go?

2 MR. SOFER: As always, Your Honor.

3 THE COURT: Okay. Good.

4 MR. SOFER: Judge, if it's acceptable to Counsel
5 and the Court, I'd like to just play the last clip we
6 played on Friday, so we can orient ourselves again.

7 THE COURT: That's fine. Amy, if you'll go get
8 the jury, please.

9 MR. SOFER: That would be 1D46, Exhibit 4-40,
10 clip 2A.

11 MR. HARTMAN: And the date of that one?

12 MR. SOFER: That would be April 13th, 2005.

13 MR. HARTMAN: Thank you.

14 MR. SOFER: You're welcome.

15 THE COURT: What was that date again, please?

16 MR. SOFER: April 13th, 2005.

17 THE COURT: Mr. Griffin, you remain under oath.

18 And Mr. Sofer, I believe you're going to play a
19 bit of what had already been seen?

20 MR. SOFER: Yes, Judge.

21 BY MR. SOFER:

22 Q. When we left on Friday, Mr. Griffin, I directed
23 your attention to April 13th, 2005, a conversation that, I
24 believe, you testified you had with Mohammed Amawi at AZ
25 Travel; and we're just going to replay the last clip, which

1 was 2A. And again, this is Exhibit 4-40, 1D46, clip 2A.

2 (Audio playing.)

3 Q. Again, Mr. Griffin, just for a recap, Mohammed
4 was who?

5 A. My contact overseas.

6 Q. Okay. Mr. Griffin, later on April 13th, 2005,
7 did there come a time when you saw Mohammed Amawi again?

8 A. Yes.

9 Q. And do you recall where that was?

10 A. It was at my apartment.

11 Q. And was he with somebody at that time?

12 A. Wassim Masloun.

13 Q. And we're going to play 1D48. I believe it's
14 Exhibit 4-41, clip 1A.

15 Again, your apartment was where, sir?

16 A. At the LaSalle building here in downtown Toledo.

17 Q. Okay. And did the conversation continue?

18 A. Yes, it did.

19 Q. And this is actually -- I was mistaken. It's
20 Exhibit 4-42, clip 2A.

21 MR. BOSS: The one coming up, Mr. Sofer, or the
22 last one?

23 MR. SOFER: All of them are 4-42, 2A.

24 (Audio and video playing.)

25 BY MR. SOFER:

1 Q. Mr. Griffin, you mention a number of times on the
2 recording this EPA study. Was the EPA actually doing a
3 study at the location you keep referring to?

4 A. It was not.

5 Q. Can you tell the members of the jury why it is
6 that you were telling the defendants that the EPA was doing
7 a study out there?

8 A. I was waiting for the FBI to find a location for
9 us to go train.

10 Q. Let's continue.

11 (Audio and video playing.)

12 Q. Giving this CD at this moment, who were you
13 giving it to?

14 A. Mohammed Amawi.

15 Q. Is this one of -- of those instances that you
16 refer to previously where Mohammed Amawi had asked for one
17 of his CDs back?

18 A. Yes.

19 Q. Let's continue.

20 (Audio and video playing.)

21 Q. The computer that was on the table there, do you
22 know whose computer that is?

23 A. That is mine provided by the FBI.

24 Q. That's the laptop computer that the FBI gave you?

25 A. Yes.

1 Q. Continue.

2 (Audio and video playing.)

3 Q. Okay. Mr. Griffin, did the conversation continue
4 on April 13th, 2005?

5 A. Yes, it did.

6 Q. And let's play clip 3A, please.

7 (Audio and video playing.)

8 Q. You had said previously, I think, that there were
9 times when Mohammed Amawi used your computer for something;
10 is that correct?

11 A. Yes.

12 Q. Is this one of those times?

13 A. Yes.

14 Q. And do you know what he's doing here?

15 A. Trying to open up the videos on that disc and
16 install I believe it was Flash Player.

17 Q. Some program?

18 A. Yes.

19 THE COURT: I'm sorry. I didn't hear what you
20 said. All, what?

21 A. The -- was trying to download Flash Player.

22 THE COURT: Okay.

23 (Audio and video playing.)

24 BY MR. SOFER:

25 Q. What's depicted at 1811.8 on 4-42? Did you tell

1 the members of the jury what you drew there?

2 A. I'm drawing outside alignment.

3 Q. And what specifically are we looking at, at this
4 moment?

5 A. That point, that's an eye; and we call it the
6 work.

7 Q. Okay.

8 (Audio and video playing.)

9 Q. Do you know, Mr. Griffin, why is it that Mohammed
10 Amawi was explaining this same thing to Wassim Masloun in
11 Arabic?

12 MR. SIEVE: Objection.

13 THE COURT: Sustained.

14 BY MR. SOFER:

15 Q. Had you had discussions with Mohammed Amawi about
16 training him to train others?

17 A. Yes.

18 Q. Continue.

19 (Audio and video playing.)

20 Q. To your knowledge, was this the first time that
21 you mentioned the Astrolite and the contact in Syria in
22 front of Wassim Masloun?

23 A. To the best I can recall, yes.

24 Q. And had you ever heard previously Mohammed Amawi
25 mention the Astrolite or the contact in Syria in front of

1 Wassim Masloun?

2 A. I believe he had not.

3 Q. Let's continue.

4 (Audio and video playing.)

5 Q. Again, Mr. Griffin, during this period of time
6 and throughout the case, were you having conversations with
7 the FBI about what you could and could not train these
8 defendants on?

9 A. Yes.

10 Q. Let's continue.

11 (Audio and video playing.)

12 Q. Okay. Did the conversation on April 13th, 2005
13 continue?

14 A. Yes, it did.

15 Q. And by the way, do you know basically what time
16 of day it was when this was going on?

17 A. I believe it was later in the day, after 4:00,
18 5:00 p.m.

19 Q. Was it after Mohammed Amawi got off of work? Do
20 you know?

21 A. I believe so.

22 Q. Let's continue.

23 (Audio and video playing.)

24 Q. And I believe that was clip 4A. Did the
25 conversation continue?

1 A. Yes, it did.

2 Q. Let's play clip 5A, please.

3 (Audio and video playing.)

4 Q. You keep saying to Mohammed Amawi, Don't mess
5 with this stuff. Had you had conversations with the FBI
6 about that?

7 A. Yes.

8 Q. And basically, in substance, what were you trying
9 to do there?

10 A. Not give him the knowledge to be able to
11 reproduce any of this stuff by himself.

12 (Audio and video playing.)

13 Q. Okay. Mr. Griffin, did the conversation at your
14 apartment continue that evening?

15 A. Yes, it did.

16 Q. And if we could play clip 6A, please.

17 (Audio and video playing.)

18 Q. Okay. And finally, did the conversation continue
19 further?

20 A. Yes.

21 Q. And we're going to play clip 7A, please.

22 (Audio and video playing.)

23 Q. Where are you here? Can you tell the members of
24 the jury?

25 A. In the underground parking garage at the LaSalle

1 building.

2 (Audio and video playing.)

3 Q. Okay. On April 13th, in your apartment, there
4 was a weapon present, was there not?

5 A. Yes, there was.

6 Q. And if we could put up, again, Exhibit 86, which
7 is already in evidence, I believe, Government 86.

8 Do you recognize that?

9 A. Yes, I do.

10 Q. Is that the weapon that was visible on the
11 videotape taken on April 13th, 2005?

12 A. Yes, it was.

13 Q. Okay. On the next day, did there come a time
14 when you met with Mohammed Amawi again at his place of
15 employment, AZ Travel?

16 A. Yes.

17 Q. And we're going to play Exhibit 4-43. It's 1D50,
18 segment 1A.

19 (Audio playing.)

20 Q. And did there come a time a day later when you,
21 again, met with Mohammed Amawi at his place of employment?

22 A. Yes.

23 Q. And if we could play 1D51, Exhibit 4-44, clip 1A,
24 please.

25 THE COURT: What day was this?

1 (Audio playing.)

2 BY MR. SOFER:

3 Q. What is this business about your contacting
4 Mohammed in a different E-mail? Can you explain that to
5 the members of the jury?

6 A. Just wanted to appear like -- Mohammed was very
7 cautious -- my contact, Mohammed Salah, was very cautious
8 when linking up with other people.

9 Q. And was there an E-mail yet at this time that had
10 been developed?

11 A. There was not.

12 Q. And were you beginning to discuss an E-mail for a
13 reason, though?

14 A. Yes. The FBI wanted me to present my contact,
15 Mohammed Salah, with his E-mail address.

16 MR. SOFER: Judge, we have a rather long one
17 coming up. If you want to take a midmorning break now, it
18 might be a good time.

19 THE COURT: That's fine. We will do so. Resume
20 by 10:15. Thanks.

21 (A brief recess was taken.)

22 THE COURT: Okay. You may be seated. You remain
23 under oath. I trust you understood that.

24 Mr. Sofer, you may resume.

25 MR. SOFER: Thank you, Judge.

1 BY MR. SOFER:

2 Q. We stopped before the break on April 15th, 2005.
3 I want to direct your attention to five days later. Did
4 there come a time when you had a conversation with Marwan
5 El-Hindi?

6 A. Yes.

7 Q. If we can play 1D15, it's Exhibit 85; and I
8 believe it's clip 1A.

9 MR. HARTMAN: This is April 20?

10 MR. SOFER: April 20. It's --

11 THE COURT: What exhibit number? I'm sorry.

12 MR. SOFER: It's Exhibit 4-815, 1D15 from 69440
13 for Counsel; and it's clip 1A, Judge.

14 (Audio playing.)

15 MR. BOSS: Your Honor, can we have just a moment,
16 please?

17 THE COURT: Sure.

18 MR. BOSS: Thank you. I'm so sorry about the
19 delay.

20 THE COURT: No problem.

21 MR. SOFER: Let's continue.

22 (Audio playing.)

23 BY MR. SOFER:

24 Q. Did Marwan El-Hindi train with you that day?

25 A. He did not.

1 Q. Did there come a time later in that day when you
2 met with Mohammed Amawi and Wassim Masloun?

3 A. Yes.

4 Q. And if we can play -- this is 1D52, Exhibit
5 Number 4-45, clip 1A.

6 (Audio and video playing.)

7 Q. Can you tell us where you are and what's depicted
8 in clip 1A?

9 A. We are in my vehicle, and --

10 Q. Can you tell the members of the jury where you're
11 headed?

12 A. Out to Cleland's Indoor Shooting Range.

13 (Audio and video playing.)

14 Q. Okay. Mr. Griffin, by the way, do you know who
15 picked up who in the car?

16 A. I drove to Mohammed Amawi's and picked up
17 Mohammed and Wassim came shortly after and we rode together
18 from Mohammed Amawi's apartment.

19 Q. Did the conversation continue on the 20th?

20 A. Yes, it did.

21 Q. And if we can play clip 2-A, please. By the way,
22 before we start playing it, there's already -- at 21:21.2
23 on Government's Exhibit 4-45, clip 2A, there's a still of
24 the video there.

25 Do you recognize where that is?

1 A. That is Cleland's Indoor Gun Range and Shop.

2 Q. Okay.

3 (Audio and video playing.)

4 Q. Mr. Griffin, when you go to Cleland's Range, do
5 you have to fill out some forms?

6 A. Yes, the first time you go.

7 Q. And had you and Mohammed Amawi previously filled
8 out some of those forms on January 21st of 2005?

9 A. Yes.

10 Q. Let me show you what's been marked Government
11 Exhibit Number 47A. Do you recognize that?

12 A. Yes, I do.

13 Q. What do you recognize that to be?

14 A. It's a waiver and release form for Cleland's
15 Range.

16 Q. And does that -- Government's 47A fairly and
17 accurately depict -- or is it the form that you filled out
18 on January 21st, 2005 when you went shooting with Mohammed
19 Amawi and others?

20 A. Yes.

21 MR. SOFER: The Government offers 47A, Your
22 Honor.

23 THE COURT: It will be admitted.

24 (Government's Exhibit Number 47A was
25 admitted into evidence.)

1 MR. SOFER: Put up 47B.

2 BY MR. SOFER:

3 Q. Do you recognize that?

4 A. Yes, I do.

5 Q. Can you tell the members of the jury what that
6 is?

7 A. That is a waiver and release signed by Mohammed
8 Amawi.

9 Q. Okay. And does that look like the one that was
10 signed on January 21st, 2005?

11 A. Yes.

12 MR. SOFER: And Government offers 47B at this
13 point.

14 THE COURT: It will be admitted.

15 (Government's Exhibit Number 47B was
16 admitted into evidence.)

17 BY MR. SOFER:

18 Q. Do you know who paid on April 20th, the day that
19 we just saw, at Cleland's?

20 A. I did.

21 Q. And when you pay, what do you pay for there at
22 Cleland's?

23 A. You pay for the guns, the targets and the range
24 time.

25 Q. Did you rent a gun on that day?

1 A. I believe I did, the Ruger 22.

2 Q. And did you bring two of your own weapons on that
3 day?

4 A. I brought my Glock 9 mill. I picked up there
5 from the gunsmith my Desert Eagle 357.

6 Q. And that had previously been dropped off with the
7 gunsmith at Cleland's?

8 A. Yes.

9 Q. Let me show you Government Exhibit Number 84 and
10 ask you if you recognize this. If we can put it up on the
11 screen too, please. That's 84.

12 A. Yes.

13 Q. Do you recognize that?

14 A. Yes.

15 Q. And tell the members of the jury what that is?

16 A. It's the Ruger 22.

17 Q. And do you know if that -- is that the weapon
18 that you rented from Cleland's on April 20th of 2005?

19 A. Yes, it is.

20 MR. SOFER: At this time, the Government offers
21 Government Exhibit Number 84 into evidence.

22 THE COURT: It will be admitted.

23 (Government's Exhibit Number 84 was admitted
24 into evidence.)

25 BY MR. SOFER:

1 Q. I'll show you what's been marked -- or what is
2 Government Exhibit Number 85. If you'll put that on the
3 screen, please. Do you recognize that?

4 A. Yes, I do.

5 Q. What do you recognize that to be?

6 A. My Desert Eagle 357.

7 Q. And is that the weapon that you brought to
8 Cleland's on April 20th, 2005?

9 A. This is the weapon I picked up at Cleland's.

10 MR. SOFER: At this time, the Government offers
11 Government Exhibit Number 85.

12 THE COURT: It will be admitted.

13 (Government's Exhibit Number 85 was admitted
14 into evidence.)

15 BY MR. SOFER:

16 Q. Finally, I'm going to show you Government Exhibit
17 Number 86. We've seen it before. Do you recognize
18 Government Exhibit Number 86?

19 A. Yes, I do.

20 Q. And what do you recognize that to be?

21 A. It is my Glock.

22 Q. And is that the weapon that you did bring to
23 Cleland's on April 20th, 2005?

24 A. Yes.

25 MR. SOFER: At this time, the Government offers

1 Government's Exhibit Number 86 into evidence, Your Honor.

2 THE COURT: It will be admitted.

3 MR. HERDMAN: It's in evidence.

4 MR. SOFER: I'm sorry. This one's in evidence,
5 my apologies.

6 BY MR. SOFER:

7 Q. You said the first time you go to Cleland's you
8 have to fill out a waiver form; is that right?

9 A. Correct.

10 Q. And if we can put in eight -- put up 83A on the
11 screen, please.

12 To your knowledge, was this the first day that
13 Wassim Masloun went to Cleland's, at least with you?

14 A. Yes.

15 Q. And do you recognize 83A?

16 A. That is a waiver and release form signed by
17 Wassim Masloun.

18 MR. SOFER: And Your Honor, the Government offers
19 Government Exhibit Number 83A into evidence.

20 THE COURT: It will be admitted.

21 (Government's Exhibit Number 83A was
22 admitted into evidence.)

23 BY MR. SOFER:

24 Q. Is there also a sign-in sheet that one has to
25 sign in at Cleland's?

1 A. Yes, for the range time.

2 Q. If we can put up 83, please. Do you recognize
3 Government's Exhibit Number 83?

4 A. Yes, I do.

5 Q. Can you tell the members of the jury what that
6 is?

7 A. That is the sign-in sheet for the actual gun
8 range.

9 Q. And does it reflect the approximate times that
10 you're on and off the range on any given day?

11 A. Yes.

12 Q. If we could enlarge the section that starts with
13 Darren Griffin. Do you recognize the names on that sign-in
14 sheet?

15 A. Yes, I do.

16 Q. Can you tell the members of the jury who's on
17 that sheet?

18 A. Myself, Mohammed Amawi and Wassim Masloun.

19 MR. SOFER: And at this time, the Government
20 offers Government Exhibit Number 83 into evidence.

21 THE COURT: It will be admitted.

22 (Government's Exhibit Number 83 was admitted
23 into evidence.)

24 BY MR. SOFER:

25 Q. Did there come a time after the drive that we

1 just saw that was depicted in clip 1A of Government Exhibit
2 4-45 that you -- I'm sorry -- after the initial session at
3 the table there in the counter when you went onto the
4 range?

5 A. Yes.

6 Q. And if we could please play clip 3A now, please.

7 THE COURT: What exhibit is this again?

8 MR. SOFER: Same exhibit, Your Honor, 4-45,
9 April 20th, 2005, 1D52.

10 (Audio and video playing.)

11 BY MR. SOFER:

12 Q. And you refer to what we talked about last week,
13 what were you referring to?

14 A. The weapons training that we had performed in my
15 apartment.

16 Q. Continue.

17 (Audio and video playing.)

18 Q. Okay. Mr. Griffin, did that shooting session
19 continue?

20 A. Yes, it did.

21 Q. And if we can play 4A from the same visit, Your
22 Honor.

23 (Audio and video playing.)

24 Q. Okay. Mr. Griffin, did your conversation with
25 Mohammed Amawi and Wassim Masloun on April 20th, 2005

1 continue?

2 A. Yes, it did.

3 Q. If we can play clip 5A, please.

4 (Audio and video playing.)

5 Q. Okay. Did the conversation continue?

6 A. Yes, it did.

7 Q. And by the way, you know where we were -- where
8 you were in clip 5A that we just watched?

9 A. Back in my vehicle.

10 Q. Okay. And do you know where you're headed?

11 A. I believe back to Mohammed Amawi's apartment.

12 Q. Okay. Let's continue.

13 (Audio and video playing.)

14 Q. Who is this, him, that we're talking about here?

15 A. Mohammed Salah.

16 Q. And again, who is that person?

17 A. My contact overseas.

18 Q. And had you yet received, to the best of your
19 recollection, an E-mail address from Mohammed Salah from
20 the FBI?

21 A. I did not.

22 Q. Okay. Mr. Griffin, did there come a time when
23 you recorded a conversation with somebody else that day?

24 A. Yes.

25 Q. And did you know it at the time?

1 A. I did not.

2 Q. Have you subsequently learned that you recorded a
3 conversation with somebody else?

4 A. Yes.

5 Q. And how did you learn that?

6 A. Reviewing the recordings.

7 Q. Okay. And who was that person, if you recall?

8 A. Shannon Coats.

9 Q. Was he the FBI agent that you were in contact
10 with during this period of time?

11 A. Yes.

12 Q. If we can play clip 7A, please. Is this done on
13 purpose or by accident?

14 A. By accident.

15 (Audio and video playing.)

16 Q. Agent Coats is talking about getting some things
17 in motion and having something by Monday or Tuesday. What,
18 if you know, did you learn that to be?

19 MR. HARTMAN: Objection.

20 THE COURT: I would agree. What the agent
21 learned or what he learned?

22 BY MR. SOFER:

23 Q. What, if you know, did you later learn that to
24 be?

25 THE COURT: Well, let's get some foundation. It

1 sounds like hearsay to me.

2 MR. SOFER: I don't think it's hearsay, Judge,
3 for a variety of reasons. We can come to the side, if you
4 want.

5 THE COURT: Okay.

6 MR. SOFER: You know, Judge, we'll continue. I
7 think it will make itself clear later. Let's keep going.

8 MR. HARTMAN: Mr. Sofer, is there -- I don't
9 know. Can you guys do anything to make it more clear?
10 This one's kind of not as clear as the others.

11 MR. SOFER: It's pretty clear to me. It's as
12 clear as it's going to get.

13 (Audio and video playing.)

14 BY MR. SOFER:

15 Q. Okay. Mr. Griffin, did you return the recording
16 device or devices that you were wearing that day to the
17 FBI?

18 A. I believe either that night or first thing in the
19 morning.

20 Q. And did you turn over to the FBI both the
21 recordings of the shooting session that we just saw and the
22 recording of your call with Marwan El-Hindi?

23 A. Yes.

24 Q. Did you do that at the same time?

25 A. I believe so.

1 Q. Can you tell the members of the jury what you
2 meant when you said that Marwan El-Hindi had not called for
3 the shooting session?

4 A. I meant for the shooting session. I had talked
5 to him prior.

6 MR. HARTMAN: Your Honor, I'm going to object,
7 because I think he misstated what the evidence was.

8 THE COURT: Well, he can relate what -- he can
9 relate whatever conversation he had with Mr. El-Hindi in
10 which he then said to the agent.

11 MR. HARTMAN: Your Honor, may we approach,
12 please?

13 MR. SOFER: That's all he's doing, Judge.

14 THE COURT: Sure.

15 (A sidebar conference was had on the
16 record.)

17 MR. HARTMAN: Judge, I --

18 THE COURT: Louder. You can speak a normal
19 voice. She can hear.

20 MR. HARTMAN: First of all, I have a problem with
21 him introducing anything that he said to El-Hindi that's
22 not recorded that day, because everything else is recorded
23 that day.

24 Second of all, he's talking about he's going to
25 talk about what El-Hindi's intent was in the conversation,

1 which is -- he clearly cannot say what El-Hindi's intent
2 was.

3 THE COURT: I understand. He can relate
4 statements made by El-Hindi. He can't say what El-Hindi
5 meant. And the fact that it's not recorded, you can ask
6 him that on cross. The fact that it's not recorded doesn't
7 mean it's not admissible.

8 MR. BOSS: They did just play -- the recorded
9 telephone call between El-Hindi and Griffin was played for
10 the jury, and it was not involving any training mentioned.

11 THE COURT: It was that call?

12 MR. SOFER: Let me try to put this in some kind
13 of perspective. Defense counsel gets up in their opening
14 statement. They say that this witness lied to the FBI --
15 lied to the FBI -- that's what they said -- about some --
16 about the nature of Marwan El-Hindi not having called this
17 day about the training. And in fact, there was a call. I
18 think that's what they're trying to say.

19 There was a telephone call and it was recorded
20 and it turns out and -- that Darren Griffin did not inform
21 the FBI about this telephone call. In fact, he did inform
22 the FBI of the telephone call; and I'm just asking what he
23 meant when he said in his conversation with the agent he
24 didn't call, because it relates to the training as opposed
25 to the call before, which did not relate to training, which

1 is the allegation that defense counsel made in the opening
2 statement.

3 MR. HARTMAN: That's not accurate. What I said
4 in my opening statement was there was a call between
5 El-Hindi and Griffin that day which the Government -- there
6 was a call earlier that day, I said that; and then they
7 went shooting that day. And then he was asked at the --
8 after the shooting, No. No call. No show. And that
9 wasn't true, because he had talked to him that day; and
10 during that whole conversation, there was no mention that
11 he was supposed to show up.

12 THE COURT: I'm sorry. You just played this.
13 So, what more do we have to do?

14 MR. SOFER: Because Counsel has made this
15 argument to this jury, he's saying that when Darren Griffin
16 said to the FBI agent that he didn't call, that he was
17 lying about this previous call.

18 THE COURT: The call is the evidence, not what he
19 meant in the call.

20 MR. SOFER: No, Judge. In this particular case,
21 the argument that they are making is that he's lied to the
22 FBI; but the witness should be able to explain what he
23 meant when he said he --

24 THE COURT: I'll let you simply ask that.

25 MR. SOFER: That's all I'm asking. I'm not

1 asking any further questions.

2 THE COURT: I misunderstood. I thought I heard
3 you say something about El-Hindi -- about what El-Hindi had
4 said.

5 MR. SOFER: No.

6 THE COURT: Then, I misheard.

7 MR. SOFER: And I want to make it very clear,
8 only asking what question -- what did he --

9 THE COURT: Objection overruled.

10 MR. BOSS: When you question him, you'll refer
11 back to the earlier call that the jury heard.

12 MR. SOFER: No. I'm going to ask him what he
13 meant when he said he didn't call. This call takes place
14 on a particular --

15 THE COURT: That's fine. You can ask that. You
16 can ask that.

17 MR. SOFER: Okay.

18 (Sidebar concluded.)

19 THE COURT: You may continue. Objection
20 overruled. You may continue.

21 BY MR. SOFER:

22 Q. In this particular conversation with Agent Coats,
23 you, I think, informed Agent Coats that Marwan El-Hindi had
24 not called; is that right?

25 A. Correct.

1 Q. Can you tell the members of the jury what you
2 meant by that?

3 A. He did not call prior to the training.

4 Q. When you met later with Agent Coats, whether it
5 was that night or the next day, did you give him the tape
6 recording of both this interaction at the Cleland's
7 Shooting Range and the previous call that you had made and
8 recorded with Marwan El-Hindi earlier in the day?

9 A. Yes.

10 Q. Did you also orally advise Agent Coats that you
11 had recorded a telephone call with --

12 THE COURT: You're leading him.

13 BY MR. SOFER:

14 Q. Okay. Did you orally advise Agent Coats about
15 anything else?

16 A. About the call made to Marwan El-Hindi.

17 Q. And did you also advise him about the shooting
18 session?

19 A. Yes.

20 Q. And did you do that at the same time?

21 A. I may have.

22 MR. BOSS: Your Honor, may we approach for a
23 moment?

24 THE COURT: Sure.

25 (A sidebar conference was had on the

1 record.)

2 MR. BOSS: I do believe that this is leading; and
3 I also believe it's completely inconsistent with the
4 recording that we just heard, which was the witness
5 advising Shannon Coats about the --

6 THE COURT: And you can cross-examine.

7 MR. BOSS: Okay.

8 THE COURT: You have the tape, and you can
9 cross-examine and bring all that to the jury's attention.

10 MR. SOFER: And I have no problem with that.

11 MR. HARTMAN: I'm just afraid -- Judge, like you
12 said, is -- the evidence is the phone call.

13 THE COURT: Right.

14 MR. HARTMAN: And right now he's asking questions
15 completely mischaracterizing evidence, because that was not
16 in the phone call.

17 THE COURT: Okay. Fine. Then, you can call that
18 to the jury's attention on cross.

19 (Sidebar concluded.)

20 THE COURT: You may continue.

21 BY MR. SOFER:

22 Q. Okay. On the 20th when you and Wassim Masloun
23 and Mohammed Amawi went to Cleland's, can you tell us
24 approximately how long it took you to get from Mohammed
25 Amawi's home or wherever it is you met to Cleland's?

1 A. I believe 20 to 30 minutes.

2 Q. Now, I want to direct your attention to five days
3 later, April 25th, 2005. Did there come a time when you
4 interacted with Mohammed Amawi on April 25th, 2005?

5 A. Yes.

6 MR. SOFER: And Your Honor, we're going to play
7 Exhibit 4-46, 1D54; and the first clip is 2A.

8 THE COURT: Four --

9 MR. SOFER: Four-46, 1D54, clip 2A.

10 THE COURT: And this is a conversation on
11 April 25th?

12 MR. SOFER: Correct, Your Honor.

13 BY MR. SOFER:

14 Q. Do you happen to recall, before we start playing
15 it, where this took place?

16 A. I believe AZ Travel.

17 Q. Okay. Let's --

18 (Audio playing.)

19 Q. You said AZ Travel. Is that where you were on
20 April 25th, 2005?

21 A. At this particular section, we're actually in my
22 vehicle.

23 Q. And did you pick someone up on April 25th, 2005?

24 A. Yes, Mohammed Amawi.

25 Q. Do you remember where you picked him up?

1 A. I believe it was AZ Travel.

2 Q. Okay. Do you know where you were headed here?

3 A. I believe up to Adams Travel in Michigan.

4 Q. Okay. Let's play this again from the beginning.

5 (Audio playing.)

6 MR. SOFER: One moment, Judge.

7 Continue.

8 (Audio playing.)

9 Q. And did this conversation on April 25th, 2005
10 continue?

11 A. Yes, it did.

12 MR. SOFER: And let's play 3A. Same exhibit,
13 Your Honor.

14 (Audio playing.)

15 BY MR. SOFER:

16 Q. Did this conversation on the 25th of April, 2005
17 continue?

18 A. Yes, it did.

19 Q. Let's play 5A, please.

20 (Audio playing.)

21 Q. Okay. Mr. Griffin, did the conversation on
22 April 25th continue?

23 A. Yes, it did.

24 Q. And let's play 6A, please.

25 (Audio playing.)

1 Q. And again, who were you referring to there as the
2 46-year-old person from Kuwait?

3 A. Mohammed Salah.

4 Q. And I want to direct your attention to three days
5 later. Did there come a time when you met with Mohammed
6 Amawi at AZ Travel?

7 A. Yes.

8 Q. And I'd like us to play Exhibit 4-47. This is
9 from 1D55 and, again, April 28th, 2005; and it's clip 1A,
10 please.

11 (Audio playing.)

12 Q. Amawi said, Wassim wants to go. Who is he
13 referring to?

14 A. Wassim Masloun.

15 Q. That's the Wassim Masloun here -- in the
16 courtroom here today?

17 A. Yes.

18 Q. Let's continue.

19 (Audio playing.)

20 Q. Who's Ashraf, again, that Mohammed Amawi's
21 referring to?

22 A. Ashraf Zaim.

23 Q. And what is Ashraf Zaim's relationship with
24 Mohammed Amawi?

25 A. He is either the owner or manager of AZ Travel.

1 Q. Okay. Again, what E-mail are you referring to
2 here?

3 A. An E-mail to my contact overseas, Mohammed Salah.

4 Q. Let's continue.

5 (Audio playing.)

6 MR. SOFER: Your Honor, this would be an ideal
7 time to stop for lunch if the Court is willing.

8 THE COURT: We'll resume at 1:00, ladies and
9 gentlemen. Don't talk about the case. Keep an open mind.
10 Have a pleasant lunch hour.

11 (A brief recess was taken for lunch.)

12 THE COURT: Mr. Griffin, you remain under oath.

13 And Mr. Sofer, you may resume.

14 MR. SOFER: Thank you, Judge.

15 BY MR. SOFER:

16 Q. Before the lunch break, Mr. Griffin, I think we
17 were up to April 28th, 2005; and we played Exhibit 4-47.

18 I want to direct your attention to the very next
19 day, April 29th, 2005. Did there come a time on that day
20 when you and others returned to Cleland's Indoor Firing
21 Range for further shooting?

22 A. Yes.

23 Q. And was it the same group of people, or were
24 there other people as well on that day?

25 A. There was an additional person.

1 Q. And can you tell the members of the jury who that
2 additional person was?

3 A. Bilal Masloun.

4 Q. And if you know, what is the relationship between
5 Bilal Masloun and Wassim Masloun?

6 A. They are brothers.

7 Q. Okay. And we're going to play Exhibit 4-49.
8 It's 1D57, April 29, 2005, clip 1A, please, very short, so
9 at least that's what I have.

10 THE COURT: Give me half a second, please.

11 BY MR. SOFER:

12 Q. And before we start playing it on the screen here
13 from the presentation, it's at 000000, are you able to tell
14 from that particular still shot from the video where it is
15 that you are?

16 A. I am at Mohammed Amawi's apartment sitting at his
17 dining room table --

18 Q. Okay.

19 A. -- and we're facing the kitchen area.

20 Q. And let's play 1A, please.

21 (Audio and video playing.)

22 Q. We stopped it at 05104. There's another person
23 in that still shot. Do you recognize that person?

24 A. Yes, I do.

25 Q. And can you tell the members of the jury who that

1 is?

2 A. That is Mohammed's mother.

3 Q. Okay. This Mohammed Salah that we've heard so
4 much about, can you tell the members of the jury, is this
5 a -- a real person?

6 A. Yes, it's a real person.

7 Q. And can you tell the members of the jury what you
8 mean by that?

9 A. It's a real person in my -- in my past, but it is
10 not a true contact overseas.

11 Q. And are you using this person that you had met in
12 your past for some reason as the contact in the Middle East
13 that you would talk to Mohammed Amawi about?

14 A. Yes. The FBI told me to make it appear like I
15 did have a contact overseas, and that is the name and
16 person I used out of my past.

17 Q. And was some of the information that you provided
18 about that person accurate?

19 A. Yes.

20 Q. Was some of the information that you provided
21 about that person to Mohammed Amawi and Wassim Masloun
22 inaccurate?

23 A. Yes.

24 Q. And this E-mail that we keep hearing about,
25 likewise, who was it that was to provide you with that

1 E-mail?

2 A. The FBI.

3 Q. And again, if you remember, by this point, had
4 they yet gotten around to have been able to set that up and
5 give it to you?

6 A. I don't believe so.

7 Q. Start from the beginning, please.

8 (Audio and video playing.)

9 Q. Okay. Did the conversation at Mohammed Amawi's
10 house continue?

11 A. Yes, it did.

12 Q. And let's, please, play clip 2A from the same
13 exhibit.

14 (Audio and video playing.)

15 Q. Okay. Did the conversation on February -- I'm
16 sorry -- April 29th continue?

17 A. Yes, it did.

18 Q. And if we can play clip 3A, please.

19 (Audio and video playing.)

20 Q. Okay. Mr. Griffin, did the conversation
21 continue?

22 A. Yes, it did.

23 Q. And let's play 5A, please.

24 (Audio and video playing.)

25 Q. From the screen presentation that reads 31:13:7

1 of clip 5A, can you tell the members of the jury what we're
2 looking at there?

3 A. That is the rear of my car.

4 Q. Okay. Let's continue.

5 (Audio and video playing.)

6 Q. Okay. Mr. Griffin, did the conversation on
7 April 29th, 2005 continue?

8 A. Yes, it did.

9 Q. And we're going to play 6A, please.

10 (Audio and video playing.)

11 Q. Okay. Mr. Griffin, did the conversation
12 continue?

13 A. Yes, it did.

14 Q. And let's play 7A.

15 (Audio and video playing.)

16 Q. Who paid on this day -- on the 29th of April for
17 the rental of the lanes and equipment, et cetera?

18 A. Mohammed Amawi.

19 Q. Let's continue.

20 (Audio and video playing.)

21 Q. Okay. Let's -- did this conversation continue?

22 A. Yes, it did.

23 Q. And let's play segment 8A.

24 (Audio and video playing.)

25 Q. Can you tell us -- this is 01:05:51:3. Can you

1 tell us who's shooting at this time?

2 A. Wassim Masloun.

3 Q. And who's the individual standing right behind
4 him?

5 A. To my right and his right is Bilal Masloun.

6 Q. Continue.

7 (Audio and video playing.)

8 Q. Okay. Mr. Griffin, did the conversation on
9 April 29th, 2005 continue?

10 A. Yes, it did.

11 Q. And let's play 9A, please.

12 (Audio and video playing.)

13 Q. Okay. Mr. Griffin, did the conversation
14 continue?

15 A. Yes, it did.

16 Q. Let's go to 10A.

17 (Audio and video playing.)

18 Q. Okay. Mr. Griffin, did the conversation continue
19 beyond that?

20 A. Yes, it --

21 Q. And we're going to play 11A.

22 (Audio and video playing.)

23 Q. Okay. Mr. Griffin, again, when you sign into
24 Cleland's, there are a number of forms that have to be
25 filled out. Is that what your testimony was before?

1 A. Correct.

2 Q. And if we could put up 91, please -- Government
3 91 on the screen now. Do you recognize this form?

4 A. Yes, I do.

5 Q. Okay. And if we could enlarge the part on the
6 form from the part where it says, Darren Griffin, down,
7 four. And do you recognize on Government's Exhibit Number
8 91 a number of names?

9 A. Yes, I do.

10 Q. What names do you recognize?

11 A. There's myself, Wassim Masloun, Mohammed Amawi
12 and Bilal Masloun.

13 Q. And does it indicate on that approximately the
14 time you showed up?

15 A. Yes, from --

16 Q. That's all right. Does it also indicate what
17 kind of weapons were rented?

18 A. Yes.

19 MR. SOFER: Okay. At this time, Your Honor, the
20 Government offers Government's 91 into evidence.

21 THE COURT: It will be admitted.

22 (Government's Exhibit Number 91 was admitted
23 into evidence.)

24 BY MR. SOFER:

25 Q. And what kind of weapons were used on April 29th,

1 2005, Mr. Griffin?

2 A. Beretta 9 mill and a Glock 22.

3 Q. Okay. And I want to show you what's been marked
4 Government Exhibit Number 92. Can you tell the members of
5 the jury if you recognize Government's 92, please?

6 A. I do.

7 Q. What is that?

8 A. It is a Beretta 9 mill.

9 MR. SOFER: Okay. And the Government offers
10 Government's 92 at this time.

11 JUROR: Excuse me. We don't have it on the
12 screen.

13 MR. SOFER: I'm sorry. Is that better? My
14 apologies.

15 The Government offers Government 92 at this time,
16 Your Honor.

17 THE COURT: It will be admitted.

18 (Government's Exhibit Number 92 is admitted
19 into evidence.)

20 BY MR. SOFER:

21 Q. And was there another weapon that was used that
22 day by Wassim Masloun, Bilal Masloun and Mohammed Amawi?

23 A. Yes, there was.

24 Q. And I want to show you what's been marked
25 Government Exhibit Number 93. Put that up on the screen

1 too, please. Do you recognize Government's Exhibit Number
2 93, which I'm also handing you at this time?

3 A. Yes, I do.

4 Q. Could you tell the members of the jury what that
5 is?

6 A. It is a Glock 22.

7 Q. And do you know what caliber a Glock 22 fires --
8 what caliber round a Glock 22 fires?

9 A. 10 millimeter.

10 MR. SOFER: And at this time, the Government
11 offers 93 into evidence.

12 THE COURT: It will be admitted.

13 (Government's Exhibit Number 93 was admitted
14 into evidence.)

15 BY MR. SOFER:

16 Q. You testified earlier that when someone first
17 goes to Cleland's, they are to fill out a waiver form; is
18 that correct?

19 A. Correct.

20 Q. And I want to show you what's been marked
21 Government's Exhibit 91A, please. Do you recognize that?

22 A. Yes, I do.

23 Q. Are you able to tell what that is?

24 A. It is a waiver and release form signed by Bilal
25 Masloun.

1 Q. And at this time -- is the date on there 4-29-05?

2 A. Yes, it is.

3 MR. SOFER: At this time, the Government offers
4 91A into evidence?

5 THE COURT: It will be admitted.

6 (Government's Exhibit Number 91A was
7 admitted into evidence.)

8 BY MR. SOFER:

9 Q. Did you keep some of the targets that were used
10 on April 29th, 2005?

11 A. Yes, I did.

12 Q. And we'll show you what's been marked Government
13 Exhibit 94A. Is that one of the targets that was used on
14 April 29th, 2005?

15 A. Yes, it was.

16 Q. I'll show you 94B. Is that another target --

17 A. Yes, it was.

18 Q. -- that was used?

19 A. Yes.

20 Q. 94C, is that another target that was used on that
21 day?

22 A. Yes.

23 Q. And 94D, is that another target that was used?

24 A. Yes.

25 Q. Did you take those targets with you on

1 April 29th, 2005?

2 A. Yes, I did.

3 Q. Did there come a time when you found these
4 targets in your personal belongings?

5 A. Yes, in, I believe, June of '06.

6 Q. And was that after the investigation of this case
7 was over?

8 A. Yes.

9 Q. What did you do when you found these targets?

10 A. I called my contact, Shannon Coats.

11 Q. And did you give these targets to Shannon Coats
12 after you found them in your personal belongings?

13 A. Yes, I did.

14 MR. SOFER: At this time, the Government offers
15 94A, B, C and D into evidence.

16 THE COURT: Be admitted.

17 (Government's Exhibit Numbers 94A through
18 94D was admitted into evidence.)

19 BY MR. SOFER:

20 Q. Finally, let's put up 97, please -- Government's
21 97 for identification. Do you recognize what 97 is?

22 A. Yes.

23 Q. Is that a still shot from the videotaping on
24 April 29th?

25 A. I believe so.

1 Q. And can you tell the members of the jury who's
2 captured in Government Exhibit Number 97?

3 A. Bilal Masloun.

4 Q. Does it fairly and accurately represent the way
5 he looked on April 29th, 2005 at Cleland's Indoor Shooting
6 Range?

7 A. Yes.

8 MR. SOFER: At this time, the Government offers
9 97 into evidence.

10 THE COURT: Be admitted.

11 (Government's Exhibit Number 97 was admitted
12 into evidence.)

13 BY MR. SOFER:

14 Q. Okay. Mr. Griffin, I want to direct your
15 attention to May 1st, 2005. Did something significant in
16 this case happen on that day?

17 A. Yes.

18 Q. And can you tell the members of the jury what
19 that was?

20 A. I was contacted by Mohammed Amawi.

21 Q. Do you know where he was contacting you from?

22 A. I did not recognize the number.

23 Q. And what was the substance of the conversation
24 that you had with Mohammed Amawi on that day, if you
25 recall?

1 A. He had called me in a heightened state and he
2 basically --

3 Q. What do you mean by heightened state?

4 A. He sounded like he was scared.

5 Q. And what did he say in substance?

6 A. He -- basically, he said he could not go to
7 paintball, do not call him at his home and he needs to see
8 me right away.

9 Q. And did you, in fact, go to see him that day?

10 A. Yes, I did.

11 Q. When you went, did you bring a recording device
12 with you?

13 A. Yes, I did.

14 Q. And we're going to play Exhibit 4-51 from May
15 1st, 2005, 1D59. By the way, do you know if you had an
16 opportunity to record the conversation when Mohammed Amawi
17 called you?

18 A. I do not.

19 Q. And clip 1A, please.

20 MR. HARTMAN: I'm sorry. Could you give us the
21 that ID, please?

22 MR. SOFER: From May 1st, 2005, 1D59, Exhibit
23 4-51, clip 1A.

24 MR. HARTMAN: Thank you.

25 MR. SOFER: You're welcome. Okay.

1 (Audio playing.)

2 BY MR. SOFER:

3 Q. Okay. Did that conversation continue on May 1st?

4 A. Yes, it did.

5 Q. And let's play 2A, please.

6 (Audio playing.)

7 Q. During this conversation, did you gather what it
8 was that Mohammed Amawi was afraid of?

9 MR. IVEY: Objection.

10 MR. HARTMAN: Objection.

11 THE COURT: Sustained.

12 BY MR. SOFER:

13 Q. Did he indicate to you that he was being followed
14 or anything of that nature?

15 A. Yes.

16 Q. I want to direct your attention to the very next
17 day. Did there come a time when you spoke to one or more
18 of the defendants in this case on May 2nd of 2005?

19 A. Yes.

20 Q. Can you tell the members of the jury, if you
21 remember, what your interaction was and/or what they said?

22 MR. BOSS: Is this a recorded conversation,
23 Mr. Sofer?

24 MR. SOFER: No, not -- some are; some aren't.

25 THE COURT: Okay. You can just indicate whether

1 they are or not.

2 MR. SOFER: If he knows.

3 A. The first one is not. It was when I went to --
4 up to Michigan with Marwan El-Hindi to try to get his
5 driver's license.

6 Q. Okay. And did there come a time when you --

7 MR. HARTMAN: Objection. Judge, may we approach,
8 please?

9 THE COURT: Sure.

10 (A sidebar conference was had on the
11 record.)

12 THE COURT: Okay. Basis for the objection?

13 MR. HARTMAN: The basis for the objection, Judge,
14 is that at some point, it becomes a matter of fundamental
15 fairness about the -- and I know we can cross on this. But
16 the choice of what gets recorded, what doesn't get recorded
17 and what's been said about what hasn't been recorded is
18 some of -- it puts together what the recordings are and it
19 creates the bridge for the Government and it's not
20 recording. I know we can cross on that, but I just think
21 it's fundamentally unfair to allow it to go on.

22 THE COURT: What do you want me to do?

23 MR. HARTMAN: Well, if I could have a minute --
24 when we take our afternoon break -- maybe now's a good time
25 if I can discuss it with my defense colleagues.

1 MR. SOFER: Can I just respond to the concept,
2 Your Honor?

3 THE COURT: Sure.

4 MR. SOFER: The notion that a witness can't
5 testify about things that aren't recorded is ridiculous.

6 THE COURT: I agree. There's just no requirement
7 that every conversation has to be recorded. There is, in
8 fact, the fact that some are and some aren't. I mean, I
9 tried to at least signal to you and Mr. Sofer to try to
10 have the witness indicate whether it was recorded or not.
11 And you can point -- and you can point that out. And --
12 but there's certainly no basis to exclude unrecorded
13 testimony because it's not recorded.

14 MR. SOFER: Judge, just so it's clear that's the
15 only question I'm asking him about this particular -- if it
16 is just -- if we didn't ask him, Counsel will say, Why
17 didn't you ask him about this unrecorded interaction?

18 THE COURT: I've overruled. Just renew.

19 MR. SOFER: Are you going to give us at break
20 now, Judge?

21 MR. HARTMAN: Whenever you think it makes sense.

22 THE COURT: I'd like to keep going until 3:00 or
23 whatever. How much longer in the sequence?

24 MR. SOFER: They're going to start moving much
25 quicker now, Judge, in smaller sequences.

1 THE COURT: If you want to take a break now --

2 MR. HARTMAN: Do you want to get through this
3 day?

4 MR. SOFER: I'd like to just finish this.

5 THE COURT: Okay. Yeah.

6 (Sidebar concluded.)

7 THE COURT: The objection is overruled. You may
8 continue.

9 MR. SOFER: I wasn't going to ask anymore
10 questions about that anyway, Judge, so we can move on.

11 BY MR. SOFER:

12 Q. In the conversation you described on May 1st that
13 you testified Amawi asked you to call Wassim, who was he
14 referring to, if you know?

15 A. Wassim Masloun.

16 Q. And did you call Wassim Masloun the next day?

17 A. Yes, I did.

18 Q. Can you tell the members of the jury basically in
19 substance what it is you said to Wassim Masloun?

20 A. I asked him if he was going to paintball. And I
21 had told you the situation with Mohammed, and he thought he
22 was being followed and --

23 Q. That Mohammed thought he was being followed?

24 A. That Mohammed was being followed. And Wassim
25 made a statement that he shouldn't worry about anything,

1 because we're not doing anything.

2 Q. And did there come a time when -- later on May
3 2nd, 2005 when you actually met with Mohammed Amawi and
4 Wassim Masloun?

5 A. Yes.

6 Q. And if you recall, what was the purpose of that
7 meeting?

8 A. To basically go pick up the paintball equipment.

9 Q. And did you go shopping for paintball equipment?

10 A. Yes, we did.

11 Q. Did you go to one store, more than one store, do
12 you recall?

13 A. I believe at least a couple stores.

14 Q. And did there come a time when Wassim Masloun
15 purchased paintball equipment at a particular store?

16 A. Yes. I believe it was Dick's Sporting Goods.

17 Q. And what was the purpose of purchasing this
18 paintball equipment?

19 A. To do tactics out at the training ground.

20 MR. SOFER: And as per our conversation at the
21 bench, Your Honor, if you want to take a break, that's fine
22 with the Government.

23 THE COURT: Okay. Ladies and gentlemen, we'll
24 take -- we'll take a 15-minute break. Resume about 20 of.

25 (A brief recess was taken.)

1 THE COURT: You may be seated. If any of the
2 rest of you would like a footstool or something, we will
3 try to find something somewhere, right, Amy? Let Amy know,
4 and we'll go from there.

5 Okay. Mr. Griffin, you remain under oath.

6 And Mr. Sofer, you may resume.

7 BY MR. SOFER:

8 Q. Mr. Griffin, I think we ended on -- I had asked
9 you something about a conversation that took place on
10 May 2nd and shopping for the paintball on May 2nd of 2005;
11 that is, the paintball equipment.

12 Sometime in late April or early May, did there
13 come a time when you gave Mohammed Amawi an E-mail address
14 that had been given to you by the FBI?

15 A. Yes.

16 Q. And what was the stated connection of this
17 particular E-mail?

18 A. It was for the connection overseas.

19 Q. And who was that person as far as what you were
20 telling people?

21 A. Mohammed Salah.

22 Q. And do you recall what the E-mail address was, as
23 you sit here today?

24 A. Abu_amed@earthlink.com.

25 Q. Okay. I want to direct your attention to May 5th

1 of 2005. Did there come a time when you met with Mohammed
2 Amawi at his place of employment, AZ Travel?

3 THE COURT: When was that E-mail you just
4 provided?

5 MR. SOFER: I think his testimony, Your Honor,
6 was sometime late in April or early May.

7 THE COURT: I heard late May. No problem.

8 BY MR. SOFER:

9 Q. Is that accurate, late April, early May?

10 A. Yes.

11 JUROR: Excuse me. Your microphone I don't think
12 is on.

13 BY MR. SOFER:

14 Q. I want to direct your attention to May 5th, 2005.
15 And I think I asked you, did there come a time when you met
16 with Mohammed Amawi at AZ Travel?

17 A. Yes.

18 Q. And did you bring a recording device that day?

19 A. Yes, I did.

20 Q. And if we could play from Exhibit 4-52, 1D63,
21 May 5th, 2005, clip 1A, please.

22 (Audio playing.)

23 Q. Okay. Mr. Griffin, did there come a time the
24 next day when you traveled somewhere with Mohammed Amawi?

25 A. Yes, up to Adams Travel in Michigan.

1 Q. And can you tell us basically and in substance
2 what happened there?

3 A. Basically, we discussed a passing of the E-mail
4 to his contact overseas; and also, he tried to pass that
5 E-mail while he was at Adams Travel.

6 Q. Okay. And did -- was he able to do that from
7 what you could see?

8 A. From what I could gather, he could not.

9 Q. Is -- and is there an explanation to that -- you
10 can tell the members of the jury that --

11 MR. HARTMAN: Objection.

12 Q. -- that you saw or that you spoke to Mohammed
13 Amawi about?

14 THE COURT: Yeah. What, if anything, did he say
15 or did you see with regard to that attempt to send that
16 E-mail?

17 A. I seen that he couldn't E-mail from the computer
18 he was on in Adams Travel. And I asked him about it, and
19 he stated that he didn't have the program.

20 BY MR. SOFER:

21 Q. I want to direct your attention now to
22 May 11th of 2005, five days after that. Did there come a
23 time when you met again with Mohammed Amawi at AZ Travel?

24 A. Yes.

25 Q. We're going to play 4-54 -- that's Government

1 Exhibit 4-54, 1D65 from May 11th, 2005. I think it's clip
2 1A.

3 (Audio playing.)

4 Q. Okay. Now, I want to show you what's been marked
5 Government's Exhibit Number 63 for identification. Do you
6 recognize that?

7 A. Yes, I do.

8 Q. Can you tell the members of the jury what that
9 is?

10 A. That is my business card.

11 Q. And is that one of the cards you had handed out
12 to the defendants back on February 16th of '05?

13 A. Yes.

14 Q. At least the type of card?

15 A. Yes.

16 Q. And if you show the back of that -- I think is
17 63-002 -- there's some writing on the back of that card. I
18 don't know if the teleprompter -- the John Madden
19 telestrator is working today. But can you circle any
20 writing on there that you recognize; that is, in words on
21 there that you recognize?

22 A. (Witness complies).

23 Q. And whose writing is circled in green? And the
24 record should reflect the witness has circled
25 abu_ahmed@earthlink.com, abu_jihad@sbcglobal.net; and

1 underneath that, Darren L. Griffin with an arrow pointed to
2 sbcglobal.net. Whose writing is that?

3 A. That is mine.

4 Q. And can you tell us what those -- are those
5 E-mail addresses?

6 A. Yes, they are.

7 Q. And can you tell us what those E-mail addresses
8 are, if you know?

9 A. The abu_ahmed@earthlink.com was the E-mail
10 address given to me by the FBI for my contact overseas; and
11 the abu_jihad and Darrenlgriffin@sbcglobal, those are my
12 personal E-mail addresses.

13 Q. The writing above that, is that your writing?

14 A. Above the Abu Amed, yes.

15 Q. It is not.

16 Okay. And at this time, the Government offers
17 Government Exhibit Number 63 into evidence.

18 I just want to show you the actual card, which
19 is, I believe, Government Exhibit 132E. Is that the actual
20 card that we're seeing here at least that the writing is
21 on?

22 A. Yes, it is.

23 MR. SOFER: At this time, the Government offers
24 both exhibits; that is, 132E and 63, into evidence.

25 THE COURT: It will be admitted.

1 (Government's Exhibit Numbers 63 and 132E
2 were admitted into evidence.)

3 MR. HARTMAN: Mr. Sofer, you just clarified 63's
4 the front.

5 MR. SOFER: 63-002 is the back. 132E is the
6 card.

7 BY MR. SOFER:

8 Q. Okay. I want to direct your attention now to
9 May 18th, 2005. Did you, once again, have an opportunity
10 to meet with Mohammed Amawi at AZ Travel?

11 A. Yes.

12 Q. And Your Honor, we're going to play exhibit --
13 Government Exhibit 4-55, which is 1D66, May 18th, 2005,
14 clip 1A.

15 (Audio playing.)

16 Q. Okay. Did this conversation on May 18th, 2005
17 continue?

18 A. Yes, it did.

19 Q. And let's play clip 3A from the same Government
20 Exhibit 4-55.

21 (Audio playing.)

22 Q. Do you recall what you were referring to when you
23 say get you covered with a certificate?

24 A. Yes. That was the -- I could certify people in
25 personal protection, VIP protection.

1 Q. When you say get you covered, what did you mean
2 by that?

3 A. A legal training document.

4 Q. Okay. Let's continue.

5 (Audio playing.)

6 Q. Do you recall what videotapes you're referring to
7 there?

8 A. It is the videotapes for training people for
9 personal protection.

10 Q. Is that part of that VIP-type protection?

11 A. Yes.

12 Q. Okay.

13 (Audio playing.)

14 Q. Again, during this time and before, had you been
15 speaking to the FBI about what you could and could not do
16 in terms of training these defendants?

17 A. Yes.

18 Q. And in a moment like this, what are you trying to
19 do?

20 A. Back-pedal.

21 Q. Continue.

22 (Audio playing.)

23 Q. What's a PE?

24 A. A practical exercise.

25 Q. Okay. Does this conversation continue,

1 Mr. Griffin?

2 A. Yes, it did.

3 Q. Let's play segment 4A from Government's Exhibit
4 4-55.

5 MR. SOFER: I'm sorry.

6 JUROR: My right speaker's coming in and out.

7 Can I get another set?

8 MR. SOFER: Sure.

9 Okay. We good? Playing 4A, please.

10 (Audio playing.)

11 BY MR. SOFER:

12 Q. Okay. Mr. Griffin, I want to direct your
13 attention to May 25th, 2005, about a week later. Did there
14 come a time when you met with Marwan El-Hindi and Mohammed
15 Amawi on that day?

16 A. Yes.

17 Q. And we're going to play Exhibit 4-57, 1D68 from
18 May 25th, 2005; and the first clip is 3A.

19 (Audio playing.)

20 Q. Are you able to tell from the noise in this
21 recording where you are?

22 A. In my vehicle.

23 Q. And do you know where you were going?

24 A. AZ Travel.

25 Q. Continue.

1 (Audio playing.)

2 Q. Do you know what was being referred to from
3 Monroe Street?

4 A. The mosque, At-Tawfeeq.

5 Q. Another mosque here in Toledo?

6 A. Yes.

7 Q. Is that one of the mosques that you have been
8 going to here as well?

9 A. Yes.

10 Q. Have you been, for lack of a better word,
11 spreading your cover there as well?

12 A. Yes.

13 (Audio playing.)

14 Q. And did this conversation continue?

15 A. Yes, it did.

16 Q. And we're going to play clip 6A from Government
17 Exhibit 4-57.

18 (Audio playing.)

19 Q. Okay. Mr. Griffin, I now want to jump ahead
20 about two weeks. Do you have another conversation with
21 Mohammed Amawi at AZ Travel?

22 A. Yes.

23 Q. And I want to play 1D74 from -- is that on
24 June 8th, 2005?

25 A. I believe so.

1 Q. And it's Government Exhibit 4-59, June 8th, 2005,
2 1D74, clip 2A, I believe.

3 (Audio playing.)

4 Q. Okay. And I want to direct your attention to a
5 week later -- or about a week later on June 15th, 2005.
6 Did there come a time when you traveled somewhere in a car
7 with Mohammed Amawi?

8 A. Yes.

9 Q. Do you recall where that was?

10 A. I believe AZ -- Adams Travel.

11 Q. And what state is that in?

12 A. In Michigan.

13 Q. And if we could play Government's Exhibit Number
14 4-60, 1D77, June 14th, 2005, clip 1A, please.

15 (Audio playing.)

16 Q. Okay. And did this conversation continue?

17 A. Yes, it did.

18 Q. And we're going to play 72A, the same exhibit,
19 Government 4-60.

20 (Audio playing.)

21 Q. Who you are referring to that's so worried about
22 Mohammed Amawi?

23 A. His mother.

24 Q. Let's continue.

25 (Audio playing.)

1 Q. Okay. And I want to direct your attention to
2 about nine days later, June 23rd, 2005. Did you have
3 occasion to go back to Mohammed Amawi's apartment on that
4 day?

5 A. Yes.

6 Q. And we're going to play 4-61 -- that's
7 Government's Exhibit 4-61, 1D79, June 23rd, 2005, clip 1A.

8 (Audio playing.)

9 Q. Had there been an earlier time when you had seen
10 something in Mohammed Amawi's apartment related to someone
11 manipulating his computer?

12 A. Yes.

13 Q. And can you just basically describe that for the
14 members of the jury?

15 A. It was a person that flipped the screen.

16 MR. HARTMAN: Objection, Your Honor, depending on
17 what we're going to get, foundation.

18 THE COURT: Yeah. Let's get a foundation,
19 something he observed.

20 BY MR. SOFER:

21 Q. Yeah. Did you actually see something which led
22 you to believe --

23 THE COURT: Let's find out what he saw. Go
24 ahead.

25 A. I observed someone flip the screen upside down

1 and open up the CD drive.

2 Q. And that person -- and that person wasn't in the
3 room with you?

4 A. No, it was not.

5 Q. Did Mohammed Amawi indicate where that person
6 was?

7 A. Over in Jordan.

8 Q. Let's now play 2A, please.

9 (Audio playing.)

10 Q. If you know, who was that other person there?

11 A. It was Mohammed's mother.

12 Q. Let's continue.

13 (Audio playing.)

14 Q. Mr. Griffin, I want you to take a look at what's
15 been marked Government's Exhibit 101. Take a look at that
16 and tell us if you recognize it.

17 THE COURT: I'm sorry. Government's?

18 MR. SOFER: 101.

19 A. It is a CD.

20 BY MR. SOFER:

21 Q. And do you know what's on that CD?

22 A. Yes, I do.

23 Q. Tell the members of the jury.

24 A. It is the last clip in the last clip you were
25 listening to. It's the IED with the radio showing the hand

1 at the end.

2 MR. HARTMAN: Your Honor, may we approach?

3 THE COURT: Sure.

4 (A sidebar conference was had on the
5 record.)

6 MR. HARTMAN: Judge, the purpose -- I would
7 object -- I would object to anymore playing of the videos.
8 I know that you've said that these are admissible under
9 4003 and not overly prejudicial, but I think at some point
10 they become accumulative. And I think we've seen enough of
11 it that the jury's not going to get anything new out of it.

12 MR. SOFER: You know, Judge, we've litigated
13 this.

14 THE COURT: I agree. I'll note your objection,
15 and it will be overruled. I considered this issue, and I
16 think that they are probative and are -- I don't think that
17 the probative value is outweighed substantially so by any
18 risk of unfair prejudice.

19 MR. HARTMAN: And I wasn't asking the Court to
20 reconsider that. I was just thinking cumulative. That's
21 all.

22 MR. SOFER: I would just satisfy -- Judge, we're
23 actually -- just so it's clear, we're actually not playing
24 individuals that we have that Your Honor have seen and
25 Counsel have seen that we could play --

1 THE COURT: I understand.

2 MR. SOFER: -- just to move things along.

3 THE COURT: Seems to me that if I can guess that
4 perhaps half the individuals that you have put in the tape
5 as exhibits you're not playing, ballpark?

6 MR. SOFER: Some substantial portion of what
7 we've submitted to the Court and counsel we're not playing;
8 and actually, as we get closer to the end here, we're
9 moving much faster through them. And we are up to the end
10 of -- one is, for instance, in which, I think, it's one
11 more instance of which there are videos being played, so
12 maybe the last 10 or so of these.

13 MR. IVEY: Can we take two --

14 (Side bar concluded.)

15 THE COURT: Counsel, why don't you come here just
16 a second?

17 Are you going to be taking more testimony today
18 or just the videos?

19 Off the record.

20 (A brief discussion was had off the record.)

21 THE COURT: Ladies and gentlemen, I'm going to
22 let you go upstairs for no more than about ten minutes,
23 five minutes, perhaps even less than that. We have to tend
24 to something here. And then I think we're looking at about
25 maybe 20 more minutes after that, if that. So -- and then

1 we'll be adjourning for the day.

2 (A brief recess was taken.)

3 THE COURT: You remain under oath.

4 And you may resume.

5 BY MR. SOFER:

6 Q. Mr. Griffin, you said you recognized 101 as one
7 of the videos that was being played in the recording that
8 we just heard.

9 A. Correct.

10 Q. And again, which one was it, if you recall?

11 A. The one where the explosion was initiated by the
12 beep of a radio and that they were displaying at the end a
13 hand.

14 Q. And we're going to play Government's Exhibit 101,
15 at least I hope so.

16 (Video playing.)

17 Q. And the record should reflect that the Government
18 stopped this recording at 105 at 2 minutes and 51 seconds
19 at 101 in evidence.

20 Mr. Griffin, did the conversation on June 23rd,
21 2005 continue?

22 A. Yes, it did.

23 Q. If we could play clip 4A, please.

24 (Audio playing.)

25 Q. And Mr. Griffin, I want to show you what's been

1 marked Government's Exhibit 102 for identification. Do you
2 recognize that?

3 A. Yes. It is a CD.

4 Q. And do you know what's on that CD?

5 A. The video clip we were listening to -- or we were
6 watching during that last clip.

7 Q. And was that relating to the killing of Dale
8 Stofel?

9 A. Yes.

10 MR. SOFER: And Your Honor, at this time
11 Government moves 102 into evidence.

12 THE COURT: It will be admitted.

13 (Government's Exhibit Number 102 was
14 admitted into evidence.)

15 (Video playing.)

16 MR. SOFER: And given the hour, Judge, I think we
17 can stop here if Your Honor wants.

18 (Video playing.)

19 MR. SOFER: Again, Your Honor, if you'd like, we
20 can stop here for the day.

21 THE COURT: Okay. Ladies and gentlemen, we'll
22 adjourn for the evening and plan to start tomorrow morning
23 at 8:30.

24 Counsel, we'll tend to that other business in a
25 few minutes.

C E R T I F I C A T E

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

s:/ Angela D. Nixon

Angela D. Nixon, RPR, CRR

Date

I N D E X

Testimony of Darren Griffin continued